IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1515 OF 2005

Shekhar Kanhaylal Bajaj
and Or. ..Applicants

Vs.

State of Maharashtra & Anrs..Respondents

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Mr.Manish Mestry i/b
Advocate for Applicant
Ms.S.V.Gajare, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 25, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of C.R.No.II-03 of 2005 which is under Sections 3, 7 and 8 of the Essential Commodities Act. The said case is pending before the learned Judicial Magistrate F.C. Nandgaon, Dist. Nasik.

3. The sole contention put forth by the learned

advocate for the applicant for quashing of the said case is that in the present case the investigation is done by Police Sub-Inspector. He has submitted that Police Sub-Inspector is not empowered to conduct the investigation in to offences punishable under the Essential Commodities Act and therefore, the investigation, search and seizure conducted by the Police Sub-Inspector is illegal. In the present case, it is seen that the investigation is going on. The investigation has been handed over to the Deputy Superintendent of Police Shri.K.M.Salunkhe. He is the Investigating Officer in the present case. It is seen that investigation in the present case is being carried out by Dy.Superintendent of Police. It is an admitted position that Dy.Superintendent of Police is empowered to carry out the investigation in cases of this nature.

4. Reliance is placed on the decision of this Court in the case of **Laxmikant Sarda Vs. State of Maharashtra [2002 Cri.L.J. 1040].** In the said decision, it is held that as Police Sub-Inspector had carried out the investigation as he low the

rank of Police Inspector, the investigation by Police Sub-Inspector was not legal. Similarly, reliance is placed on the decision in the case of **Nasimkhan S/o Sikandarkhan and others Vs. State of Maharashtra and others [2005 All M.R. (Cri.) 377]**. However, in the present case, it is seen that the matter is being investigated by the Dy.Superintendent of Police. Hence, both these cases would be of no help to the applicant. In this view of the matter, I find no merit in this application. Application is rejected.

[V.K.TAHILRAMANI,J.]